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9 UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF WASHINGTON  
11 AT SPOKANE

12 SUZANNE ALEXANDRA, an  
13 individual

14 Plaintiff,

15 v.

16 CARS COLLISION CENTER,  
17 LLC, dba GERBER COLLISION &  
18 GLASS III,<sup>1</sup>

19 Defendant.

Case No.

NOTICE OF REMOVAL TO FEDERAL  
COURT

*FEDERAL QUESTION JURISDICTION  
AND SUPPLEMENTAL JURISDICTION*

20 TO: CLERK OF THE ABOVE-NAMED COURT

21 AND TO: SUZANNE ALEXANDRA, an individual

22 AND TO: DANIEL R. HAYWARD, Plaintiff's Attorney

23 PLEASE TAKE NOTICE that Defendant Gerber Collision & Glass ("Gerber

24 <sup>1</sup> Plaintiff's First Amended Complaint improperly names CARS COLLISION  
25 CENTER, LLC, dba GERBER COLLISION & GLASS III as the employer-defendant.  
26 In fact, Collision Service Repair Center, Inc. dba Gerber Collision & Glass, is the proper  
employer-defendant. The parties have stipulated to Plaintiff filing an amended  
complaint naming the correct employer-defendant. The parties anticipate filing the  
stipulation shortly after removal.

1 Collision & Glass” or “Defendant”), hereby effects the removal of the state action  
2 described herein from the Superior Court of the State of Washington in and for the  
3 County of Spokane, Case No. 18-2-04863-32, to the United States District Court for the  
4 Eastern District of Washington at Spokane. This removal is based upon federal question  
5 jurisdiction, in accord with 28 U.S.C. §§ 1331, 1441(a), and is timely, pursuant to 28  
6 U.S.C. § 1446.  
7  
8

9 In support of its Notice of Removal, Defendant provides the following  
10 information:  
11

### 12 **JURISDICTION AND VENUE**

13 1. This Court has jurisdiction over this civil action pursuant to 28 U.S.C. §§  
14 1331 and 1367, and this action is one that may be removed to this Court pursuant to 28  
15 U.S.C. § 1441(a). Venue is proper in the Eastern District of Washington at Spokane  
16 because this is the District Court of the United States for the district encompassing the  
17 place where this action is currently pending. 28 U.S.C. § 1441(a). Defendant is the  
18 only defendant and consents to removal of this action. As set forth below, this case  
19 meets all of the requirements for removal and is timely and properly removed by the  
20 filing of this notice.  
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### 24 **PLEADINGS**

25 2. On or about November 2, 2018, Plaintiff initiated the instant matter by  
26

1 filing a copy of the Summons and Complaint for Damages with the Superior Court of  
2 the State of Washington in and for the County of Spokane. On November 26, 2018,  
3  
4 Plaintiff filed a First Amended Summons and Complaint. Plaintiff served a copy of the  
5 Amended Summons and Complaint on Defendant's Registered Agent on November 28,  
6 2018.  
7

8 3. A true and correct copy of Plaintiff's Complaint for Damages is attached  
9 as **Exhibit 1**. A true and correct copy of the Summons is attached as **Exhibit 2**. A true  
10 and correct copy of the Case Assignment Notice and Order is attached as **Exhibit 3**. A  
11 true and correct copy of the First Amended Summons is attached as **Exhibit 4**. A true  
12 and correct copy of the First Amended Complaint is attached as **Exhibit 5**. A true and  
13 correct copy of Defendant's Notice of Appearance is attached as **Exhibit 6**.  
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16 4. By signing this Notice of Removal, counsel for Defendant verifies that the  
17 items attached hereto are true and complete copies of the records and proceedings on  
18 file in the state court proceeding.  
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20 5. This Notice of Removal is timely as it is made within 30 days of receipt of  
21 a copy of the pleading, motion, order or other paper from which it may first be  
22 ascertained that the case is one which is or has become removable. 28 U.S.C. § 1446.  
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#### 24 **FEDERAL QUESTION**

25 6. This Court has original jurisdiction over this matter because it arises under  
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1 the laws of the United States. 28 U.S.C. § 1331.

2 7. "The district courts shall have original jurisdiction of all actions arising  
3 under the Constitution, laws or treaties of the United States." 28 U.S.C. § 1331. In  
4 deciding whether a suit arises under federal law, the district court must abide by the  
5 "well-pleaded complaint rule," under which a suit arises under federal law only when  
6 the plaintiff's statement of his own cause of action shows that it is based on federal law.  
7  
8 *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987).

9 8. This case plainly arises under federal law. Plaintiff's First Amended  
10 Complaint arises out of Plaintiff's employment with Defendant. Plaintiff alleges causes  
11 of action for sex discrimination and relation in violation of Title VII of the Civil Rights  
12 Act ("Title VII"), 42 U.S.C. § 2000e-3(a). Compl. at ¶¶ 5.1-6.5. Thus, this Court has  
13 original jurisdiction over this action.

14 9. Because this Court has original jurisdiction over this case, removal of this  
15 case to federal court is proper. 28 U.S.C. § 1441.

### 16 **SUPPLEMENTAL JURISDICTION**

17 10. This Court has supplemental jurisdiction over Plaintiff's remaining state  
18 law claims for alleged violations of the Washington Law Against Discrimination, RCW  
19 49.60.160, pursuant to 28 U.S.C. § 1367. First Amend. Compl. at ¶¶ 5.1-6.5. This  
20 language has been interpreted to allow the district courts to assert jurisdiction over the  
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1 state law claims that arise from the same transaction or occurrence as the applicable  
2 federal law claims. *See Raygor v. Regents of the University of Minnesota*, 534 U.S.  
3 533, 540 (2002).  
4

5 11. In this case, Plaintiff's state law claims are based on the same alleged facts  
6 that underlie her federal claims. Specifically, Plaintiff alleges that the same conduct  
7 cited above similarly violates the Washington Law Against Discrimination ("WLAD").  
8 In fact, Plaintiff pleads her federal and state causes of action under the same paragraphs  
9 based on the exact same facts. Based on these allegations, Plaintiff claims that  
10 Defendant violated federal and Washington state laws against discrimination.  
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12

13 12. Because Plaintiff's state law claims arises from the same transaction or  
14 occurrence as her federal claims, this Court has supplemental jurisdiction over those  
15 claims under 28 U.S.C. § 1367(a), and the entire case can be properly removed to federal  
16 court. 28 U.S.C. § 1441(c).  
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### 19 **PROCESS AND VENUE**

20 13. Defendant first received a copy of the Complaint when it was personally  
21 served on Defendant on November 28, 2018. This Notice of Removal is timely as it is  
22 made within 30 days of receipt of a copy of the pleading, motion, order, or other paper  
23 from which it may first be ascertained that the case is one which is or has become  
24 removable. 28 U.S.C. § 1446(b).  
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1           14. Venue is proper in the Eastern District of Washington at Spokane, because  
2 this is the district court of the United States for the district encompassing the place  
3 where this action is currently pending. 28 U.S.C. § 1441(a). Venue is proper at Spokane  
4 because Plaintiff alleges that she resides in Spokane County.  
5

6           15. Written notice of the filing of this Notice of Removal has been given to all  
7 parties who have appeared in this action, and a copy of the Notice of Removal has been  
8 filed with the Clerk of Court of the Superior Court of the State of Washington, in and  
9 for the County of Spokane.  
10

11                                   **RESERVATION OF RIGHTS**  
12

13           16. Nothing in this Notice of Removal is intended to waive any defense, nor  
14 does it waive any defense.  
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16           WHEREFORE, Defendant respectfully requests that this action now pending in  
17 the Spokane County Superior Court, State of Washington, be removed to the United  
18 States District Court for the Eastern District of Washington at Spokane.  
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1  
2 Dated: December 28, 2018

3 s/ Ryan P. Hammond

4 Ryan P. Hammond, WSBA #38888  
[rhammond@littler.com](mailto:rhammond@littler.com)

5 s/ Anne E. Reuben

6 Anne E. Reuben, WSBA #53299  
[areuben@littler.com](mailto:areuben@littler.com)

7  
8 LITTLER MENDELSON, P.C.

9 Attorneys for Defendant  
10 Gerber Collision & Glass  
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1 **CERTIFICATE OF SERVICE**

2 I am a resident of the State of Washington. I am over the age of eighteen years  
3 and not a party to the within-entitled action. My business address is One Union  
4 Square, 600 University Street, Suite 3200, Seattle, Washington 98101. I hereby  
5 certify that on December 28, 2018, I electronically filed the foregoing document(s)  
6 with the Clerk of the Court using the CM/ECF system which will send notification of  
7 such filing to the following:

8 **Attorneys for Plaintiff**

9 Daniel R. Hayward, WSBA #51293  
10 Hayward Law, PLLC  
11 905 West Riverside Avenue, Suite 505  
12 Spokane, WA 99201  
Tel: (509) 838-9146  
dan@haywardlaw.net

13 I certify under penalty of perjury under the laws of the United States and of the  
14 State of Washington that the foregoing is true and correct.

15  
16 Dated this 28th day of December, 2018.

17 *s/ Tiffany D. Holiday*  
18 Tiffany D. Holiday  
19 [tholiday@littler.com](mailto:tholiday@littler.com)  
**LITTLER MENDELSON, P.C.**

20 FIRMWIDE:161047818.1 066817.1105